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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,144	04/01/2004	Mitsuaki Nakamura	1248-0711PUS1	7353
2292	7590	08/17/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			WONG, XAVIER S	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2616	
NOTIFICATION DATE		DELIVERY MODE		
08/17/2007		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/814,144	NAKAMURA, MITSUAKI
	<b>Examiner</b>	<b>Art Unit</b>
	Xavier Szewai Wong	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 April 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1 - 15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1 - 15 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 01 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) ✓  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08) ✓  
Paper No(s)/Mail Date 14-649-02

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 1<sup>st</sup> July 2004 and 8<sup>th</sup> June 2006 are being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A “program for causing a computer to operate as sections of a network terminal” constituting a network system should be claimed as a computer-readable medium in a computer in a section of a network terminal.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 6 and 9 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghaffari (U.S 5,751,220).

Consider claims 1, 10, 14 and 15, Ghaffari discloses a host computer 66 and programming signal input device, in a network system comprising electronic devices / readers (network terminals) for management of transmitting and receiving data in accordance with synchronization signals (information frames) in predetermined time intervals supplied from a master – one of the network terminal – unit (col. 12 ln. 39-42; abstract; figs. 1, 6A & 8C item 154); wherein the network terminal comprises:

- a) synchronizing signal receiving *means* to receive synchronizing signals / frames from the master unit (col. 3 ln. 22-25);
- b) network information management *means* to manage network with synchronizing signals received by the terminals (col. 3 ln. 25-27);
- c) synchronizing signal missing detection *means* to detect when a signal is “not received” (missing) from the master unit (col. 3 ln. 27-33; col. 9 ln. 66-67; col. 10 ln. 1-2);
- d) synchronizing signal transmission start time *means* to store start times for synchronization signals wherein the plurality of terminals have different synchronization signals start times by timing control (col. 12 ln. 46-55; col. 13 ln. 7-9; figs. 2 & 10A step 258);
- e) synchronizing signal transmitting *means* to output, by a new master, synchronizing signals with data exchanged from the previous master [or any other readers] (col. 1 ln. 50-51; col. 7 ln. 6-10) at predetermined time intervals according to

start times stored, mentioned in step *d* above, and starting output the synchronizing signals after a signal is not received (missing) – when a new master is selected (col. 12 ln. 56-60).

f) after synchronizing signal missing detection, synchronizing signal receiving means to await for a synchronizing signal from another terminal / reader, which its synchronizing transmission start time is earlier (determined by contention and interrogation cycles) than the network terminal, until the network terminal's synchronizing transmission start time comes (col. 13 ln. 37-55; fig. 10C steps 357-370).

Consider claims **2, 5, 6 and 11**, as applied to claims **1, 2 and 10**, **Ghaffari** discloses when the master unit fails (lost its capability), a master reader unit is selected based on priorities (capability) determines and generates sets of synchronizing signal start times (based on internal timing) and signals are transmitted through a sync bus to other plurality of terminals / readers (col. 13 ln. 37-46).

Consider claims **3, 4, 12 and 13**, as applied to claims **1, 2, 10 and 11**, **Ghaffari** discloses synchronizing signal start times (time-out periods) indicate priorities of the reader terminals and for selecting a new master unit (col. 13 ln. 4-16).

Consider claim **9**, as applied to claim **1**, **Ghaffari** discloses when the master unit fails to generate synchronizing signals including all sets of information to other reader terminals, other readers exchange interrogation signals/cycles among one another reader in accordance to priorities (col. 13 ln. 7-23/37-46; fig. 6B).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ghaffari (U.S 5,751,220)** in view of **Gardner (U.S 6,891,478 B2)**.

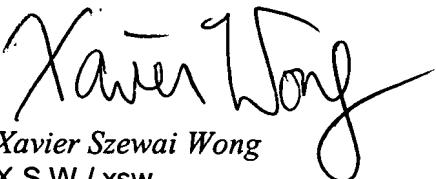
Consider claims 7 and 8, as applied to claims 3 and 4, **Ghaffari** discloses the claimed invention except start times are determined on ground of multiplying priorities by predetermined time units. **Gardner** discloses powering up appliances using time sequences (start times) by multiplying priorities by various time intervals (col. 11 ln. 29-37). It would have been obvious to one of ordinary skill in the art to incorporate the concept of multiplying priorities by predetermined time units, as taught by **Gardner**, in the method of **Ghaffari**, in order to restore power to appliances according to their priorities to avoid overload in a time period.

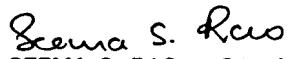
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is 571-270-1780. The examiner can normally be reached on Monday through Friday 8 am - 5 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Xavier Szewai Wong  
X.S.W / xsw  
4<sup>th</sup> August 2007

  
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